

REMARKS

The Office Action dated January 29, 2009, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

By this Response, claim 2 has been amended to correct a minor informality, and claim 44 has been added. Claims 21-31 were cancelled without prejudice or disclaimer in Applicants' Response dated September 29, 2008. No new matter has been added and no new issues are raised which require further consideration and/or search. Support for the above amendments is provided in the Specification, at least, on Accordingly, claims 1-20 and 32-44 are currently pending in the application, of which claims 1, 32, 37, 40, and 44 are independent claims.

In view of the above amendments and the following remarks, Applicants respectfully request reconsideration and timely withdrawal of the pending rejections to the claims for the reasons discussed below.

Claim Rejections under 35 U.S.C. §102(e)

The Office Action rejected claims 1-20, 32-37, and 40-42 under 35 U.S.C. §102(e) as allegedly anticipated by Denenberg (U.S. Patent No. 6,859,649). Applicants respectfully submit that the claims recite subject matter that is neither disclosed nor suggested in Denenberg.

Claim 1, upon which claims 2-20 depend, recites a method. The method includes detecting a change in subscription information of a subscriber, checking whether a capability of a network element serving a terminal device of the subscriber is still in accordance with the changed subscription information, and initiating in response to the result of the checking a registration procedure for registering the terminal device of the subscriber to a new serving network element.

Claim 32, upon which claims 33-36 depend, recites an apparatus. The apparatus includes a processor configured to detect a change in a subscription information and to initiate a registration procedure for registering a terminal device of a subscriber to a new serving network element in response to a result of a checking operation to check whether a capability of a network element serving a terminal device of said subscriber is still in accordance with said changed subscription information.

Claim 37, upon which claims 38-39 depend, recites an apparatus. The apparatus includes a processor configured to register a serving network element configured providing session control services for the apparatus. The apparatus is configured to receive a de-register message containing a cause information, which indicates the reason for the de-register message. The apparatus is further configured, in response to the de-register message, to initiate automatically a new initial registration procedure for registering the apparatus to a new serving network element providing session control services for the apparatus, if a result of a checking operation for checking a capability of

a current serving network element indicates that the capability is not in accordance with a change in subscription information of the subscriber.

Claim 40, upon which claims 41-43 depend, recites an apparatus. The apparatus includes a processor configured to check whether a capability of a current serving network element serving a terminal device of a subscriber is still in accordance with a change in subscription information.

As will be discussed below, Denenberg fails to disclose or suggest each and every element recited in claims 1-20, 32-37, and 40-42, and therefore fails to provide the features of the claims discussed above.

Denenberg is directed to a method for registering with a communication service. The method determines whether a given mobile communication device is eligible to register for a particular service. A first database tracks the equipment capabilities of various mobile devices. A second database tracks which regions of a plurality of geographic regions are available to receive the service. These databases are checked when the system receives a request to register for the service (Denenberg, Abstract; col. 3, lines 38-67).

Applicants respectfully submit that Denenberg fails to disclose or suggest each and every element recited in claim 1, 32, 37, and 40. In particular, Denenberg fails to disclose or suggest, at least, “detecting a change in subscription information of a subscriber; checking whether a capability of a network element serving a terminal device of said subscriber is still in accordance with said changed subscription information; and

initiating in response to the result of said checking a registration procedure for registering said terminal device of said subscriber to a new serving network element,” as recited in claim 1 (emphasis added), and similarly recited in claims 32, 37, and 40.

The Office Action cited a mobile device (*e.g.*, mobile communication device 125), as described in column 5, lines 3-6, column 4, lines 35-42, and column 7, line 46, to column 8, line 24 of Denenberg, to allege that Denenberg describes the “network element” recited in the pending claims. However, a review of these passages in Denenberg demonstrates that the Office Action failed to demonstrate that Denenberg describes each and every element of the pending claims.

At column 5, lines 3-6, Denenberg describes, contrary to the Office Action’s allegations, “a terminal device of a subscriber,” the mobile communication device 125, rather than “a network element.” Furthermore, Figures 5 and 6, and the description of Denenberg at column 4, lines 35-42, and column 7, line 46, to column 8 line 24, each describe “a terminal device of the subscriber.” For example, Step 505 of Figure 5 describes a mobile device, and Step 525 of Figure 5 refers to whether a *mobile device* of a subscriber is capable of handling a requested service. If yes, a location identifier of the subscriber is obtained, and a registration attempt may be terminated (Step 611), depending on the subscriber location. Accordingly, the Office Action cited a mobile communication device to allege that Denenberg describes a network element.

Contrary to the Office Action’s allegations, Denenberg fails to describe a network element, and more particularly, fails to describe either a network element serving the

terminal device, or registering a terminal device to a new serving network element depending on the result of a check of the capability of the serving network element.

One of ordinary skill in the relevant art would have understood that Denenberg fails to describe a change in a serving network element because no serving network element is necessary before determining if the mobile device's capabilities are consistent with a requested service. Thus, there can be no registration to a new serving network element.

Furthermore, contrary to the Office Action's allegations, Denenberg, at column 4, lines 35-41, fails to describe a subscription change. Rather, Denenberg describes a first-time activation after a phone has been leased or bought and is activated for the first time. Denenberg fails to describe subscription information being changed.

Claims 2-20 depend from claim 1. Claims 33-36 depend from claim 32. Claims 41-42 depend from claim 40. Accordingly, claims 2-20, 33-36, and 41-42 should be allowable for at least their dependency upon an allowable base claim, and for the specific limitations recited therein.

Therefore, Applicants respectfully request withdrawal of the rejections of claims 1-20, 32-37, and 40-42 under 35 U.S.C. §102(e) and respectfully submit that claims 1, 32, 37, and 40, and the claims that depend therefrom, are in condition for allowance.

Claim Rejections under 35 U.S.C. §103(a)

The Office Action rejected claims 38-39 and 43 under 35 U.S.C. §103(a) as being allegedly unpatentable over Denenberg in view of Hurtta (U.S. Publication No. 2005/0117591). Applicants respectfully traverse these rejections for at least the following reasons.

Applicants respectfully submit that Hurtta is invalid prior art under 35 U.S.C. §103(c). Under 35 U.S.C. §103(c), “subject-matter developed by another person, which qualifies as prior art only under one or more subsections of (e), (f), and (g) of Section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.”

Applicants respectfully submit that Hurtta is prior art, if at all, only under 35 U.S.C. §102(e). Applicants further submit that both the present application and Hurtta are subject to an obligation of assignment to Nokia Corporation.

Evidence of the present application’s assignment to Nokia Corporation may be found in the assignment recorded July 21, 2004, at reel 016021 and frame 0686. Evidence of Hurtta’s assignment to Nokia Corporation may be found in the assignment recorded August 26, 2003, at reel 014527 and frame 0661. Accordingly, it is respectfully submitted that Hurtta and the present application were both subject to an obligation of assignment to the same entity at the time of the invention, namely to Nokia Corporation.

Therefore, according to 35 U.S.C. § 103(c), Hurтта is not valid prior art in support of a rejection of the claims in the present application under 35 U.S.C. § 103(a).

As the rejections cannot stand without Hurтта, Applicants respectfully request that the rejections of claim 38-39 and 43 be withdrawn.

New Claim 44

Claim 44 has its own claim scope, but contains limitations similar to those recited in claims 1, 32, 37, and 40. Thus, for similar reasons noted above for claims 1, 32, 37, and 40, Applicants respectfully submit that Denenberg and Hurтта, whether taken individually or in combination, fail to disclose or suggest each and every element recited in claim 44. In particular, Denenberg and Hurтта, whether taken individually or in combination, fail to disclose or suggest, at least, “a detector configured to detect a change in a subscription information of a subscriber; a checker configured to check whether a capability of a network element serving a terminal device of said subscriber is still in accordance with said changed subscription information; and an initiator configured to initiate, in response to said checker, a registration procedure for registering said terminal device of said subscriber to a new serving network element,” as recited in claim 44 (emphasis added).

Therefore, Applicants respectfully submit that claim 44 is in condition for allowance.

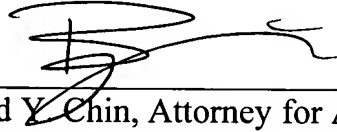
CONCLUSION

In conclusion, Applicants respectfully submit that Denenberg and Hurtt, whether taken individually or in combination, fails to disclose or suggest each and every element recited in claims 1-20 and 32-44. The distinctions previously noted are more than sufficient to render the claimed invention unanticipated and non-obvious. It is therefore respectfully requested that all of claims 1-20 and 32-44 be allowed, and this present application be passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, Applicants' undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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Enclosures: Additional Claim Fee Transmittal
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